

Sub  
D2  
only

17. (Amended) A composition as claimed in claim 14 [including] comprising safflower oil, lipocol glycerin and propylene glycol.

Set  
B3

18. (Amended) A composition comprising at least one of silica or pumice for selectively exfoliating or scrubbing living tissue such as skin, the composition including a water soluble base, the water soluble base being a non-oily element for retaining the silica or pumice or other scrubbing agents, preferably in a form [such as] to effectively act as exfoliating or scrubbing agent on tissue.

AP  
contd

19. (Amended) A composition as claimed in claim [18] 1 for reducing the effect of itching, flaking and redness of living tissue.

20. (Amended) A composition comprising mineral salts, preferably Dead Sea mineral salts, for selectively cleaning the hair, the composition [including] comprising a water soluble base and cocomidopropyl betaine.

---

REMARKS

Reconsideration of the above application is respectfully requested.

The Applicant has considered the rejection of the various claims under 35 USC 112, second paragraph. Various amendments have been made to the claims which, it is believed, overcomes all the rejections.

With regard to the rejection of the claims under 35 USC 102 and 103, the Applicant submits the Declaration of Ron Lewis. In view of this Declaration, it is shown that the inventor was in possession of the whole of the invention as claimed prior to the filing date of Stavroff. Indeed, at least as early as December 16, 1996 all the features of the invention were conceived by the Applicant. In view of this, it is submitted that the rejection of all the claims based on this reference of Stavroff are overcome. Accordingly, it is deemed unnecessary to further consider the rejections on the merits. Indeed, the only differences may exist between the invention as conceived as early as December 16, 1996 would have been obvious to one of ordinary skill in the art. As the data in the Declaration shows the compound was conceived at least as early as

December 16, 1996 and there were at least three formulas developed before the filing date of Stavroff. These compounds are shown in three columns. The first formula is effective December 16, 1996. The second formula is effective January 14, 1997. The third formula is effective January 24, 1997.

Since the Applicant was in possession of the whole of the invention as claimed prior to Stavroff, no further issues arise with regard to prior art.

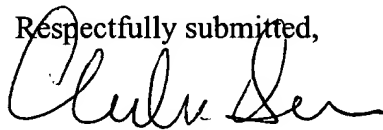
Insofar as the election is concerned, the composition which is elected with traverse is composition C, namely the compositions of claims 14-18. Claim 19 has been amended, and is therefore withdrawn from the species as formulated by the Examiner.

In view, however, that the generic claim is allowable, it is submitted that all of the species should be examiner and allowed in this application.

For the Examiner to hold otherwise would simply be a process to create multiple unnecessary patents, which is both a burden on the Applicant, the Office and also the public. Clearly, the Examiner has already effected searching with regard to all of the proposed distinct species. It is implicit, therefore, that even from the Examiner's own action it is clear that no basis exists for an artificial division of this application into different patentable species.

In view of the above, it is submitted that this application is now in good order for allowance, and such early action is respectfully solicited. Should matters remain which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone the Applicant's undersigned attorney.

Respectfully submitted,



Charles Berman  
Reg. No. 29,249

Date: June 29, 2000

OPPENHEIMER WOLFF & DONNELLY LLP  
2029 Century Park East  
38th Floor  
Los Angeles, CA 90067-3024  
Phone: (310) 788-5000